

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 ALLEGIANT AIR, LLC,

5 Plaintiff,

6 v.

7 INTERNATIONAL BROTHERHOOD OF  
8 TEAMSTERS, AIRLINE DIVISION, et al.,

9 Defendants.  
10

Case No. 2:15-CV-00580-APG-GWF

**ORDER AMENDING PRELIMINARY  
INJUNCTION**

(Dkt. #34)

11 On May 1, 2015, I issued a preliminary injunction enjoining the pilots of Allegiant Air from  
12 engaging in a strike related to the airline's alleged violation of one of my orders in a related case.<sup>1</sup>  
13 That injunction was entered after a three-day evidentiary hearing concerning the alleged status  
14 quo violations asserted by the pilots. Teamsters, which represents the pilots, has challenged the  
15 language of the preliminary injunction as overly broad. In its view, certain terms in the injunction  
16 "could be interpreted to interfere with, if not outright prohibit, non-work stoppage conduct and  
17 communications, including conduct and communications that are clearly protected by the First  
18 Amendment."<sup>2</sup>

19 After receiving supplemental briefs from both parties, I hereby amend lines 10-21 on page 10  
20 and lines 1-2 on page 11 of the injunction (Docket #33) to read as follows:

21  
22 IT IS HEREBY ORDERED that Defendants, their officers, agents, employees, and  
23 members, and all persons acting in concert or participation with them, are hereby  
24 enjoined from in any manner or by any means directing, calling, causing,  
25 authorizing, inducing, instigating, conducting, continuing, encouraging, or  
26 engaging in any strike, work stoppage, "work-to-rule," sick-out, slow-down,  
picketing, or other concerted refusal to perform normal employment duties in  
violation of the Railway Labor Act, with respect to any alleged status quo  
violation that was or could have been addressed either in the evidentiary hearing

27 <sup>1</sup> (See Dkt. #33.)

28 <sup>2</sup> (Dkt. #34 at 2.)

1 on April 10, 15, and 16, 2015, or in the order I issued on May 1, 2015. These  
2 restrictions do not apply to new status quo violations, if any, that did not exist  
3 before May 1, 2015.

4 IT IS FURTHER ORDERED that Defendants, their officers, agents, employees,  
5 and members, and all persons acting in concert or participation with them, shall  
6 immediately take all reasonable steps within their power to prevent the aforesaid  
7 actions and to refrain from continuing the aforesaid actions, if commenced.

8 IT IS FURTHER ORDERED that the ten thousand dollar (\$10,000) bond posted  
9 by Allegiant as security for the Temporary Restraining Order shall serve as  
10 security for this Preliminary Injunction. The amount is appropriate because the  
11 evidence indicates that Teamsters will suffer only minimal, if any, damage by the  
12 issuance of this preliminary injunction.

13 IT IS FURTHER ORDERED that this injunction has no bearing on the parties'  
14 respective rights to engage in economic self-help once the parties exhaust the  
15 Railway Labor Act's major dispute resolution procedures.

16 DATED this 7th day of May.



17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE